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I hereby certify that this correspondence is being electronically transmitted to the United States Patent and Trademark Office, Commissioner for Patents, via the EFS pursuant to 37 CFR §1.8 on the below date:

Date: January 20, 2010 Name: /Michael E. Hussey/  
Michael E. Hussey (Reg. No. 63,265)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Appln. of: Kenji Ishii et al.

Appln. No.: 10/772,223

Filed: February 3, 2004

For: APPARATUS AND A METHOD FOR  
OPTIMIZING NETWORK RESOURCES  
EMPLOYED IN DATA  
COMMUNICATION

Examiner: Baturay, Alicia

Art Unit: 2446

Confirmation No. 2202

Attorney Docket No: 9683/165

**AMENDMENT AND REQUEST FOR CONTINUED EXAMINATION**

MAIL STOP RCE

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Dear Sir:

For the above-referenced application, please amend the application as follows. In response to the Final Office Action dated September 21, 2009, this Amendment is being filed concurrently with a Request for Continued Examination under 37 CFR §1.114. This amendment and response is being timely filed with a one (1) month extension of time, which is also enclosed.

**Amendments to the Claims** begin on page 2 of this paper.

**Remarks** begin on page 5 of this paper.